

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JUDITH B. MEMBLATT,

Plaintiff,

**ORDER**

-against-

05 CV 1021 (RJD) (LB)

JAIME A. RIOS, et. al,

Defendants.

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DEARIE, District Judge.

State defendants' cross-motion for reconsideration is denied with respect to defendants Rios, DeSole, D'Angelis, and Newsome. The Court reserves decision with respect to defendants Gardner and Higgins. The Court notes that state defendants have identified a number of apparent infirmities in plaintiff's case that go beyond the four corners of the pleadings and are best addressed on summary judgment.

SO ORDERED.

Dated: Brooklyn, New York  
January 4, 2007

s/ Judge Raymond J. Dearie

RAYMOND J. DEARIE  
United States District Judge